

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
VS.) 19-CR-2029
)
AARON OLSON,)
)
Defendant.)

APPEARANCES:

ATTORNEY MARK A. TREMMEL, U.S. Attorney's Office,
111 Seventh Avenue S.E., Box 1, Cedar Rapids, Iowa 52401,
appeared on behalf of the United States.

ATTORNEY CHRISTOPHER J. NATHAN, Federal Public Defender's
Office, 222 Third Avenue S.E., Suite 290, Cedar Rapids,
Iowa 52401, appeared on behalf of the Defendant.

CHANGE OF PLEA HEARING,

HELD BEFORE THE HON. C.J. WILLIAMS,

on the 6th day of December, 2019, at 111 Seventh Avenue
S.E., Cedar Rapids, Iowa, commencing at 1:27 p.m., and
transcribed from an audio recording by Patrice A. Murray,
Certified Shorthand Reporter.

Transcript Ordered: 8/3/20
Transcript Completed: 8/24/20

Patrice A. Murray, CSR, RPR, RMR, FCRR
United States District Court
111 Seventh Avenue S.E.
Cedar Rapids, Iowa 52401-2101
(319) 286-2338

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GOVERNMENT EXHIBITS

Exhibit 1 ----- Plea Letter ----- 15

1 (The following proceedings were held in open court.)

2 THE COURT: The matter now before the Court is
3 the United States of America versus Aaron Olson, Criminal
4 Case Number 19-CR-2029. This matter comes on for a
5 change of plea hearing pursuant to a Rule 11 of the
6 Federal Rules of Criminal Procedure. The United States
7 is represented by Assistant United States Attorney Mark
8 Tremmel. The defendant is personally present and
9 represented by Assistant Federal Public Defender Chris
10 Nathan.

11 This is being recorded by our recording equipment.
12 We do not have a court reporter present, but it is being
13 recorded.

14 Mr. Olson, you've been charged in an indictment with
15 five crimes. Counts 1 and 2 charge you with the crime of
16 sexual exploitation of a child. Counts 3 through 5
17 charge you with possession of child pornography.

18 Have you had a full opportunity to discuss these
19 charges in detail with your attorney?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: It's my understanding that you
22 intend to plead guilty to Counts 3 and 5 of this
23 indictment here today; is that correct?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: And I guess I've been saying the

1 indictment. It's actually a superseding indictment filed
2 at document number 49. During this hearing I'm going to
3 be asking you a series of questions, and your answers to
4 my questions must be under oath, so at this time I'm
5 going to ask you to raise your right hand and I'll place
6 you under oath.

7 (Whereupon, the defendant was sworn by the Court.)

8 THE COURT: Thank you. Mr. Olson, you are now
9 under oath. If you knowingly make a false statement or
10 lie during your testimony here today, the government
11 could charge you with the crimes of perjury or making a
12 false statement; and if you were convicted of those
13 crimes, you could be sentenced to a period of
14 imprisonment and fined. Do you understand that?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: It's important then that you answer
17 my questions truthfully, because if you were to say a
18 false statement here today, the government could use that
19 very statement against you to charge you with those
20 offenses. Do you understand that?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: The first series of questions I
23 have for you are really just designed to make sure that
24 you are in a mental state here today where you can
25 voluntarily and knowingly enter a guilty plea. So let's

1 start with you telling me your full name, please.

2 THE DEFENDANT: Aaron Leroy Olson.

3 THE COURT: How old are you, sir?

4 THE DEFENDANT: 36.

5 THE COURT: How far did you go through school?

6 THE DEFENDANT: Twelfth grade.

7 THE COURT: Do you have any difficulty reading
8 or understanding the English language?

9 THE DEFENDANT: Not really, no.

10 THE COURT: And when you say "not really,"
11 what's that mean?

12 THE DEFENDANT: Comprehension isn't really the
13 best in reading, but . . .

14 THE COURT: Okay, okay. We're going to talk
15 about a written plea agreement here in a little bit, and
16 so we'll maybe cover that with you at that point.

17 Have you ever suffered from depression, anxiety, or
18 any type of mental illness?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Can you tell me about that?

21 THE DEFENDANT: When my kids were born, I had
22 some anxiety and depression. And then actually,
23 currently, I'm under like medication for depression,
24 anxiety.

25 THE COURT: Okay. And you're being treated

1 with medication, is that what you said?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: All right. Here's my concern, I
4 want to make sure there's nothing about that mental
5 state, your anxiety or depression, or the medication
6 you're on, or the side effects of the medication, that
7 you believe would interfere in any way with your ability
8 to understand what's going on here today or your
9 decisions. Do you think that the condition or the
10 medication in any way interferes with that?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: Okay. Have you ever suffered --
13 I'm sorry, have you ever used illegal drugs or abused
14 alcohol?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: And can you tell me about that?

17 THE DEFENDANT: I've smoked marijuana in the
18 past.

19 THE COURT: All right. Is there anything about
20 your use of marijuana in the past that you believe would
21 interfere with your ability to understand what you are
22 doing here today?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: Other than the medication you've
25 told me about for your mental condition, are you taking

1 medication for any other purpose?

2 THE DEFENDANT: Just blood thinner.

3 THE COURT: Okay. Anything about that
4 medication or the side effects that you believe would
5 interfere with your ability to understand what's going on
6 here today?

7 THE DEFENDANT: No, Your Honor.

8 THE COURT: In short, Mr. Olson, do you know of
9 any reason why you might have difficulty understanding
10 this proceeding or your decision in pleading guilty?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: It is important you understand
13 everything we talk about here today, so if at any point
14 you don't understand something I say, will you stop me
15 and let me know that?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Thank you.

18 Mr. Nathan, do you have any reason to believe
19 Mr. Olson is not competent to enter a guilty plea?

20 MR. NATHAN: No, Your Honor.

21 THE COURT: Mr. Olson, I want to turn next to
22 talk to you about all the rights you'll be giving up if
23 you decide to plead guilty here today. First, you have
24 the right to a lawyer to help and represent you through
25 every stage of this case. Here, the Court has appointed

1 Mr. Nathan to represent you. If you wanted to go to
2 trial and fight these charges, Mr. Nathan would continue
3 to represent you all the way through that trial without
4 any expense to you. Do you understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Have you been generally satisfied
7 with the services provided by Mr. Nathan?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: You also have the right to a speedy
10 and public trial before a jury of twelve people selected
11 from a cross section of this community. Both you and
12 Mr. Nathan would have a role in selecting the people who
13 would serve on your jury. Your jurors would swear under
14 oath to try your case fairly based only on the evidence
15 admitted at trial and based on the law as I give it to
16 them. The verdict would have to be unanimous, meaning
17 that all twelve jurors would have to agree on the
18 verdict. Do you understand your right to a public and
19 speedy jury trial?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: There's also a presumption of
22 innocence. What that means, Mr. Olson, is that if this
23 case went to trial, I would tell the jury that you are
24 presumed to be innocent of these charges and that that
25 presumption of innocence could only be overcome if the

1 government produced evidence that proved your guilt
2 beyond a reasonable doubt. In fact, I would tell the
3 jury that the presumption of innocence alone is
4 sufficient to find you not guilty. Do you understand
5 that?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: You also have the right of
8 confrontation. What that means is that if this case went
9 to trial, the government would have to call its witnesses
10 here in open court. You would have a right to confront
11 those witnesses and they could confront you -- they could
12 see you. You wouldn't have to confront those witnesses,
13 but if you wanted to challenge their testimony, you could
14 do so by having Mr. Nathan cross-examine those witnesses.
15 But, Mr. Olson, if you plead guilty here this afternoon,
16 you're going to give up any right you would have to
17 confront witnesses against you on these charges. Do you
18 understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: You also have the right to present
21 a defense. Now, in a criminal case like this, the burden
22 of proof is always on the government, and that burden
23 would never shift to you. So if this case went to trial,
24 you wouldn't have to produce any evidence if you did not
25 want to; but if you wanted to, you could produce a

1 defense. You could offer exhibits into evidence or call
2 witnesses. But again, Mr. Olson, if you plead guilty to
3 this -- to these offenses here today, you give up forever
4 your right to present a defense to these charges. Do you
5 understand that?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Finally, you have the right to
8 remain silent. Now, you could testify at your own trial
9 if you wanted to, of course. But you would not have to
10 testify and nobody could force you to testify. If you
11 chose not to testify, I would tell the jury that they
12 could not consider that in any way or hold that against
13 you in any way in arriving at their verdict. Do you
14 understand that?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: In short, Mr. Olson, if you plead
17 guilty here today, there will be no more proceedings.
18 You will be found guilty based on your pleas of guilty,
19 just as if the jury had deliberated and returned a guilty
20 verdict against you, and the only thing that will be left
21 will be your sentencing hearing. Do you understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Before I can accept your guilty
24 plea, Mr. Olson, I need to be satisfied that you are in
25 fact guilty as charged in Counts 3 and 4 of this

1 indictment, superseding indictment. For you to be found
2 guilty of the crime of possession of child pornography as
3 charged in Count 3 of the indictment, the government
4 would have to prove four things to a jury beyond a
5 reasonable doubt.

6 First, the government would have to prove that
7 between in or about October of 2017 and November of 2018,
8 in the Northern District of Iowa, you knowingly possessed
9 one or more visual depictions of child pornography. Do
10 you understand the first thing the government would have
11 to prove?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And did you sometime between
14 October of 2017 and November of 2018 knowingly possess
15 one or more visual depictions of child pornography?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And what city or town did that take
18 place in?

19 THE DEFENDANT: Nora Springs.

20 THE COURT: The second thing the government
21 would have to prove is that you knew that the visual
22 depiction or depictions were of a minor engaging in
23 sexually explicit conduct. Do you understand the second
24 thing the government would have to prove?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And did you know that that visual
2 depiction or depictions were of a minor engaged in
3 sexually explicit conduct?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: The third thing the government
6 would have to prove is that the visual depiction or
7 depictions had been produced using a Hitachi hard drive
8 from a Toshiba laptop computer that had previously been
9 transported in interstate or foreign commerce. Do you
10 understand the third thing the government would have to
11 prove?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And is it your understanding that
14 the depictions were produced using a Hitachi hard drive
15 from the Toshiba laptop and that those had been
16 previously transported in interstate or foreign commerce?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: The last thing the government would
19 have to prove to have you be found guilty of Count 3 is
20 that one or more of the visual depictions involved a
21 minor who you knew to be prepubescent or yet to attain
22 twelve years of age. Do you understand the last thing
23 the government would have to prove?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: And did you know that the visual

1 depictions involved a minor who you knew to be
2 prepubescent or not yet twelve years of age?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: For the government to find you
5 guilty of the crime of possession of child pornography as
6 charged in Count 5 of the indictment, the government
7 would have to prove four things again to the jury beyond
8 a reasonable doubt.

9 First, the government would have to prove that
10 between in or about October of 2017 and May of 2019 in
11 the Northern District of Iowa, you knowingly possessed
12 one or more visual depictions of child pornography. Do
13 you understand the first thing the government would have
14 to prove?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: And did you sometime between
17 October of 2017 and May of 2019 knowingly possess one or
18 more visual depictions of child pornography?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And did that take place again in
21 Nora Springs?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: The second thing the government
24 would have to prove is that you knew the visual
25 depictions were of a minor engaged in sexually explicit

1 conduct. Do you understand the second thing the
2 government would have to prove?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Did you know those depictions were
5 of a minor engaged in sexually explicit conduct?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: The third thing the government
8 would have to prove is that the visual depictions had
9 been produced using a Kodak SD card that had previously
10 been transported in interstate or foreign commerce. Do
11 you understand the third thing the government would have
12 to prove?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And were those depictions produced
15 using a Kodak SD card that had been previously
16 transported in interstate or foreign commerce?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: The last thing the government would
19 have to prove for you to be found guilty of Count 5 is
20 that one or more of the visual depictions involved a
21 minor who you knew to be prepubescent or not yet
22 twelve years of age. Do you understand the last thing
23 the government would have to prove with respect to Count
24 5?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And did you know that the visual
2 depictions involved a minor who you knew was not yet
3 twelve years of age or was otherwise prepubescent?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: The parties have entered into a
6 plea agreement in this case. It's in the form of a
7 letter from Mr. Tremmel to Mr. Nathan. It's been marked
8 as Government's Exhibit Number 1.

9 Is that being offered into evidence?

10 MR. TREMMEL: Your Honor, the government offers
11 Exhibit 1. We would request that it be admitted under
12 seal. We would also note that this was executed on
13 December 5th, but maybe a short record, that two of the
14 signatures on the last page say November 5th.

15 THE COURT: And I noted that as well, and so
16 I'll talk with the defendant about that. Any objection
17 to the Court receiving Exhibit 1 under seal?

18 MR. NATHAN: No, Your Honor.

19 THE COURT: 1 will be received and filed under
20 seal.

21 (Whereupon, Exhibit 1 was received.)

22 THE COURT: Mr. Olson, you have a copy of this
23 plea agreement in front of you, sir?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: I'd like you to take a look at the

1 last page. That's the signature page, and your name is
2 typed out there. Is that your signature that appears
3 above your name?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: It is dated November 5, 2019, but
6 was this signed I guess yesterday, on December 5, 2019?

7 THE DEFENDANT: Yes, it was, Your Honor.

8 THE COURT: Very good. Had you reviewed this
9 plea agreement in its entirety before you signed it?

10 THE DEFENDANT: Yes, I did, Your Honor.

11 THE COURT: You talked previously, Mr. Olson,
12 that sometimes you have some comprehension issues. Did
13 you talk this over with Mr. Nathan as you went through
14 it?

15 THE DEFENDANT: Yes, we did.

16 THE COURT: I don't want to know what you asked
17 him or what he said, but was he able to answer any
18 questions you had about this document?

19 THE DEFENDANT: Yes, he did, Your Honor.

20 THE COURT: And do you feel like you fully
21 comprehended this document?

22 THE DEFENDANT: Yes, I did, Your Honor.

23 THE COURT: By placing your signature there on
24 page 13, did you intend to indicate that you understood
25 and agreed to the terms of this plea agreement then?

1 THE DEFENDANT: Yes, I did, Your Honor.

2 THE COURT: I'd like you to turn to page 3 of
3 this plea agreement. At -- starting at paragraph 9 is a
4 section entitled Stipulation of Facts. It carries over
5 to page 5, and it has subparagraphs A through E. Next to
6 each of those subparagraphs are initials that appear to
7 be AO. Are those your initials.

8 THE DEFENDANT: Yes, they are, Your Honor.

9 THE COURT: Did you place your initials next to
10 each of those paragraphs to indicate that the information
11 contained in them were true and accurate?

12 THE DEFENDANT: Yes, I did, Your Honor.

13 THE COURT: And in fact, Mr. Olson, as I go
14 through this plea agreement in its entirety, wherever I
15 see paragraphs with blanks, I see those same AO initials.
16 And did you place those initials there in each of those
17 instances?

18 THE DEFENDANT: Yes, I did, Your Honor.

19 THE COURT: Did you do so to indicate that you
20 read and understood and agreed to the terms of each of
21 those paragraphs?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Mr. Tremmel, did I accurately
24 describe the elements of Counts 3 and 5 of this
25 superseding indictment?

1 MR. TREMMEL: Yes, Your Honor.

2 THE COURT: Do you believe I've established an
3 adequate factual basis for the defendant's guilty pleas
4 to those counts?

5 MR. TREMMEL: Yes, Your Honor.

6 THE COURT: Mr. Nathan, do you believe that
7 your client understands the elements of these charges?

8 MR. NATHAN: Yes, Your Honor.

9 THE COURT: Have I established an adequate
10 factual basis for his guilty pleas to those charges?

11 MR. NATHAN: Yes, Your Honor.

12 THE COURT: Have you had full access to the
13 government's discovery in this case?

14 MR. NATHAN: Yes, Your Honor.

15 THE COURT: Based upon your own review of the
16 discovery, are you satisfied that it also establishes a
17 factual basis for Mr. Olson's guilty pleas to these
18 charges?

19 MR. NATHAN: Yes, Your Honor.

20 THE COURT: Do you know of any defense to these
21 charges, Mr. Nathan, that you've not already considered
22 and discussed with your client?

23 MR. NATHAN: No, Your Honor.

24 THE COURT: Mr. Olson, I want to talk to you
25 next about the penalties the Court could impose. Now,

1 this plea agreement is what's called an 11(c)(1)(C) plea
2 agreement, and that's reflected in paragraph 11 of this
3 plea agreement. In that paragraph, the parties have
4 jointly agreed that the Court should impose a sentence of
5 480 months and that, if I accept this plea agreement,
6 then that will be the sentence that will be imposed. If
7 I don't accept this plea agreement, then both parties may
8 withdraw from it and neither is bound by the plea
9 agreement. Do you understand what all that means?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: All right. I want to talk to you
12 then about the possible sentences that could be imposed
13 before I decide to accept this plea agreement so you
14 fully understand what the possible punishments are.
15 Count 3 of the superseding indictment is punishable by up
16 to 20 years in prison without the possibility of parole.
17 After you've served any prison sentence, the -- you will
18 be placed on a term of supervised release of at least
19 5 years and it could be up to life on supervised release.
20 I could impose a fine of up to \$250,000, and I must
21 impose a mandatory special assessment of \$100. In
22 addition, unless I find you to be indigent, I must also
23 impose a mandatory special assessment of \$5,000. The
24 penalty for Count 5 is exactly the same.

25 I can what we call stack the penalties on the years

1 of imprisonment and fine, which means that if you plead
2 guilty to both Counts 3 and 5, I could sentence you up to
3 40 years in prison without the possibility of parole;
4 impose a fine of up to \$500,000; I must impose both terms
5 of the special assessment of \$100, for a total of \$200.
6 I could also, unless I find you to be indigent, impose
7 the special assessment of \$5,000 for each count, for a
8 total of \$10,000, in addition to the \$200. And again, I
9 can place you on a term of supervised release that must
10 be at least 5 years and it could be up to life on
11 supervised release.

12 Do you understand the maximum punishment that I
13 could impose if you plead guilty to both of these counts?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: At the time of sentencing, I will
16 perform a calculation under the federal sentencing
17 guidelines issued by the United States Sentencing
18 Commission. That calculation will result in what's
19 called an advisory guideline range. That's simply a
20 range of months within which the Sentencing Commission
21 suggests that I should sentence you based on your crimes
22 of conviction and your background. I have to consider
23 that advisory guideline range in determining your
24 sentence but I'm not bound to sentence you within that
25 advisory range. I can depart upward or downward from

1 that range based on the factors set forth in the
2 guidelines, or vary upward or downward from that range
3 based on the factors set forth in the sentencing statute.
4 So it's important for you to understand that the sentence
5 I impose at the time of your sentencing could be
6 different than what the advisory guideline range suggests
7 I should impose, and it could be all the way up to the
8 statutory maximum, in this case the 40 years in prison
9 without the possibility of parole. Do you understand all
10 that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: You also need to understand that
13 you will be in custody for all of any prison sentence you
14 receive, reduced only for any credit you may earn for
15 good behavior while in prison. You will not be seeing a
16 parole board or being paroled early out of prison because
17 there is no parole in the federal system. Do you
18 understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Are you a United States citizen,
21 sir?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: These are felony offenses, and so
24 as a result of these convictions, you will lose the right
25 to vote, to hold public office, to serve on a jury, and

1 to possess firearms and ammunition. Do you understand
2 the loss of citizenship rights that are associated with
3 the felony conviction?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: I mentioned to you, Mr. Olson, that
6 after you serve your prison sentence, I will place you on
7 a term of supervised release of at least 5 years and it
8 could be up to life on supervised release. During that
9 time, the -- your conduct will be monitored by a United
10 States probation officer. At the time of sentencing, I
11 will impose certain conditions on your supervised
12 release. There are standard conditions that apply in
13 every case, things like you cannot commit any federal,
14 state, or local crime, and you can't use or possess
15 controlled substances. There's likely going to be other
16 conditions I will impose on your supervised release as
17 well.

18 It's important for you to understand that you must
19 comply with all those terms and conditions while on
20 supervised release, because if you violate any of them, I
21 can revoke your supervised release and send you back to
22 prison for all of any time you otherwise would have been
23 on supervised release, and I do not have to give you any
24 credit for any time up to that point you might have
25 successfully served on supervised release without any

1 violations.

2 Do you understand all that?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: I'd like you to turn to page 6 of
5 the plea agreement under a section entitled Financial
6 Matters. At paragraph 17, you agreed to pay full
7 restitution to any victims in this case. Do you
8 understand that that's a term of your plea agreement in
9 this case?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: If you turn to page 8, there's a
12 section entitled Forfeiture, and in that section you
13 agreed to forfeit to the United States any right or
14 interest you have in any property seized from you during
15 your arrest or search, including the search of your
16 property on November 8th and 9th of 2018 and May 2nd of
17 2019. Do you understand that by pleading guilty pursuant
18 to this plea agreement that you are agreeing to forfeit
19 any right or interest you have to those items?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: And, Mr. Tremmel, those items, I
22 assume, are computer-related items?

23 MR. TREMMEL: For the most part, yes, Your
24 Honor.

25 THE COURT: All right. And then, at

1 paragraph 32 of the plea agreement, Mr. Olson, you agree
2 that you understand that as a result of this conviction,
3 you are going to be required under the Sex Offender
4 Registration and Notification Act to file and register as
5 a sex offender. Do you understand that?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Mr. Tremmel, I will talk with the
8 defendant about appeal rights at a later time in this
9 proceeding, but are there any other collateral
10 consequences that would arise from the defendant's guilty
11 plea in this case of which I need to be advised? Or --

12 MR. TREMMEL: No --

13 THE COURT: -- or that he needs to be advised.

14 MR. TREMMEL: No, Your Honor.

15 THE COURT: Mr. Olson, if you plead guilty here
16 today, I will order a presentence investigation. A
17 probation officer will conduct a thorough investigation
18 of this case and of your background and will draft a
19 presentence investigation report. Both you and the
20 government will get a copy of that draft report. It's
21 important you go over it very carefully with Mr. Nathan
22 and point out to him any mistakes or errors you see in
23 that report, because I'm going to rely very heavily upon
24 that report in trying to decide what the most appropriate
25 sentence should be for you, and so it's important that

1 that report is as accurate as can be.

2 After all corrections are made to the draft report,
3 the probation officer will issue a final presentence
4 report. Again, both you and the government will get a
5 copy of that final report and I will get a copy too.

6 I will then schedule a sentencing hearing. At the
7 sentencing hearing, both you and the government can
8 present evidence if you wish, and you will also be given
9 an opportunity to speak to me directly to tell me
10 anything you'd like me to take into account in
11 determining your sentence.

12 Do you have any questions about the sentencing
13 procedures that would follow a guilty plea in this case?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: Now, normally, Mr. Olson, both you
16 and the government would have a right to appeal any
17 sentence that I would impose in this case, but in this
18 instance, you have signed a plea agreement that at
19 paragraph 28 provides a waiver of appeal, and so you have
20 waived any right to appeal except under the limited
21 circumstances set forth in that paragraph.

22 Do you understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Mr. Olson, if you plead guilty here
25 today, you will have no right to withdraw that guilty

1 plea later, even if you change your mind or even if you
2 were unhappy with the sentence imposed. Do you
3 understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Has anybody forced or pressured you
6 or threatened you in any way or made any promises to you
7 to try to get you to plead guilty here today, other than
8 the promises the government has made to you in this
9 written plea agreement?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: Mr. Nathan, do you believe the
12 guilty plea in this case would be voluntary?

13 MR. NATHAN: Yes, Your Honor.

14 THE COURT: Do you know of any legal reason why
15 a guilty plea should not be accepted?

16 MR. NATHAN: No, Your Honor.

17 THE COURT: Are you aware of anything I have
18 omitted that would affect the validity of the guilty
19 plea?

20 MR. NATHAN: No, Your Honor.

21 THE COURT: Mr. Tremmel, are you aware of
22 anything I have omitted that would affect the validity of
23 the guilty plea?

24 MR. TREMMEL: No, Your Honor.

25 THE COURT: Mr. Olson, we've covered a lot of

1 information here today, and I want to make sure you've
2 understood it all so you don't come back to me later
3 telling me there was something you didn't understand or
4 that somebody forced or pressured you to plead guilty or
5 something like that. Have you understood everything
6 we've talked about here today, sir?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you have any questions about
9 anything we've discussed?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: Has anybody forced or pressured you
12 in any way to plead guilty here today?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Is your decision to plead guilty a
15 voluntary decision?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Then, formally and for the record,
18 Mr. Olson, how do you plead to Count 3 of the superseding
19 indictment that charges you with the crime of possession
20 of child pornography? Guilty or not guilty.

21 THE DEFENDANT: Guilty, Your Honor.

22 THE COURT: And how do you plead to Count 5 of
23 the superseding indictment that charges you with the
24 crime of possession of child pornography? Guilty or not
25 guilty.

1 THE DEFENDANT: Guilty, Your Honor.

2 THE COURT: I find the -- first of all, the
3 record will reflect the defendant has pled guilty to both
4 Counts 3 and 5 of the superseding indictment. I find
5 that the defendant is competent, he fully understands the
6 charges against him, and that there is a factual basis
7 for his pleas of guilty to Counts 3 and 5 of the
8 superseding indictment.

9 I find that Mr. Olson understands the maximum
10 punishment the Court could impose by pleading guilty and
11 he knows his jury trial rights and has voluntarily waived
12 those rights. I further find the defendant's decision to
13 plead guilty was a voluntary and knowing one and it was
14 not the result of any force, pressure, threats, or
15 promises, other than the promises set forth in the
16 written plea agreement that's been admitted as
17 Government's Exhibit Number 1. Therefore, I conclude the
18 defendant is guilty based on his pleas of guilty. I also
19 accept the plea agreement and the terms of the plea
20 agreement under this 11(c)(1)(C) plea agreement that has
21 been admitted as Government's Exhibit 1.

22 Mr. Tremmel, does the government wish me to make any
23 factual nexus finding between any particular asset and
24 the crimes of conviction in this case?

25 MR. TREMMEL: No, Your Honor.

1 THE COURT: I hereby order a presentence
2 investigation. I will schedule a sentencing hearing at a
3 later date.

4 All right. Mr. Olson, do you have any questions
5 about anything we've done here today?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Mr. Tremmel, anything further on
8 behalf of the United States?

9 MR. TREMMEL: No, Your Honor.

10 THE COURT: Mr. Nathan, anything further?

11 MR. NATHAN: No, Your Honor.

12 THE COURT: All right. That concludes the
13 hearing.

14 (Proceedings concluded at 1:56 p.m.)
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C E R T I F I C A T E

I, Patrice A. Murray, a Certified Shorthand Reporter of the State of Iowa, do hereby certify that at the time and place heretofore indicated, a hearing was held before the Honorable C.J. Williams; that I transcribed from an audio recording the proceedings of said hearing to the best of my ability; and that the foregoing transcript is a true record of all proceedings had on the taking of said hearing at the above time and place.

I further certify that I am not related to or employed by any of the parties to this action, and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

IN WITNESS WHEREOF, I have set my hand this 24th day of August, 2020.

/s/ Patrice A. Murray
Patrice A. Murray, CSR, RPR, RMR, FCRR
United States District Court, NDIA
111 Seventh Avenue S.E.
Cedar Rapids, Iowa 52401-2101

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